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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,437	01/18/2002	Steven Spicer	T8466296US	4257

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GOWLING LAFLEUR HENDERSON LLP
COMMERCE COURT WEST, SUITE 4900
TORONTO, ON M5L 1J3
CANADA

EXAMINER

GEREZGIHER, YEMANE M

ART UNIT PAPER NUMBER

2144

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,437

Applicant(s)

SPICER ET AL.

Examiner

Yemane M. Gerezgiher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Amendment filed on 05/18/2005 has been entered. Claims 1-20 are now pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-9, 16, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, the inventive entity recites, "translating the translated application data..." (Claim 6, on page 4, line 10), which lack antecedent basis. No "translated application" has been previously defined in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4, 6, 7, 10, 11, 13, 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Levac et al., (U.S. Patent Number 5,872,926) hereinafter referred to as Levac.

As per claim 1: Levac disclosed:

A driver administrator module configured for communication with a resource registry, the resource registry including a resource record associated with the network resource device, [Column 2, Lines 9-16, Column 5, Lines 2-4 and Column 7, Lines 46-52, Levac disclosed a module in a network terminal communicating with a message server having therein resource information associated with specifying a network resource device selected by the user at the network terminal] the resource record providing a driver identifier for a resource driver associated with the network resource device, [Fig. 1 and Column 2, Lines 13-16, Levac disclosed information record associated with the network resource devices having therein a message parameter portion identifying the appropriate resource driver and directing the communication to the proper interface of the selected network resource device] the driver

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administrator module being configured to configure the network resource driver of the driver application system according to the driver identifier associated with the network device, [Column 5, Lines 8-24, Column 6, Lines 40-43, Column 7, Lines 12-29 and Column 7, Lines 46-52, Levac disclosed a site profile editor including a device driver editor modifying information based on portions of information and message parameters to configure appropriate resource driver associated with the selected network resource device] the resource driver for receiving the source data and for translating the source data into a format suitable for processing by the network resource device; [Figs. 1 & 3, Column 2, Lines 16-19, Column 2, Lines 31-36, Column 4, Lines 59-63 and Column 5, Lines 27-30] and

a data transmitter configured for communication with the resource driver for transmitting the translated source data to the network resource device [Figs. 1 & 3, Column 2, Lines 20-21 and Column 31-36, Levac disclosed transmitting the application data to the device drivers, where the application data is converted/translated to a format compatible/suitable with the selected network resource].

As per claim 6: Levac disclosed:

Providing a request for communication between the network terminal and the network resource device; [Column 2, Lines 23-29 and Fig. 1, a request

from a user or automated source is provided for communication with a network resource device]

Receiving application data for transmission by the network terminal to the network resource device from application software provisioned on the network terminal; [Column 2, Lines 8-9 and Column 3, Lines 2-18, Levac disclosed receiving source data from a user or automated source (Fig. 1) to be communicated with a remote network resource device (Fig.1, 18a-18n), since this application data is generated and transmitted to the selected network resource, it is inherent that some application software (such as an email application, or any other software application) is present in generating the application data].

querying a resource registry, the resource registry including a resource record associated with the network resource device, the resource record providing a driver identifier for a resource driver associated with the network resource device [Column 2, Lines 9-16, Column 5, Lines 2-4 and Column 7, Lines 46-52, Levac disclosed a network terminal communicating with a message server having therein resource information associated with specifying a network resource device selected by the user at the network terminal]

configuring the network resource driver according to the driver identifier associated with the network resource device [Column 5, Lines 8-24, Column 6, Lines 40-43, Column 7, Lines 12-29 and Column 7, Lines 46-52, Levac disclosed a site profile editor including a device driver editor modifying

information based on portions of information and message parameters to configure appropriate resource driver associated with the selected network resource device];

translating the application data by the resource driver into a format suitable for processing by the network resource device; [Figs. 1 & 3, Column 2, Lines 16-19, Column 2, Lines 31-36, Column 4, Lines 59-63 and Column 5, Lines 27-30] and

directing the translated application data over the network in accordance with network address data of the network resource device. [Figs. 1 & 3, Column 2, Lines 20-21 and Column 31-36, Levac disclosed transmitting the application data to the device drivers, where the application data is converted/translated to a format compatible/suitable with the selected network resource].

As per claims 2 and 7: Levac disclosed, a network resource record identifying a network address associated with the network resource device. [Column 3, Lines 39-43, see embedded message comprising specifying parameters including destination information]

As per claims 4 and 8: wherein the resource record comprises a password associated with the network device for accessing the network resource device [Column 5, Lines 56-65, upon receiving a message/source data, Levac disclosed a received directory verifying that the user or the

automated source that generated the message has been authorized to transmit to the communication devices ("network resource device(s)") specified by the message parameters. All users and automated sources are pre-registered with the system administrator and all source data received are examined against the user profile for purposes of authenticate the users].

As per claims 10 and 19: a network resource device selected from the group comprising a printer, a facsimile machine, an image server, an image repository, a file server, an e-mail pager, and an e-mail enabled wireless telephone [Fig. 5, Column 7, Lines 1-8 and Column 7, Line 64 through Column 8, Line 6, Levac disclosed plurality of selectable network resource devices (see Fig. 5, 18a-18i)].

As per claim 11: wherein the source data is selected from the group comprising: text, image; and multimedia. [Fig. 5, Column 3, Lines 24-27 and Column 3, Lines 50-55, Levac disclosed a source data that could be any one of the types of data that disclosed (in Fig. 5, 24a-24g, fax format, audio wav, email and so forth)].

As per claim 13: wherein the resource record includes a network address field, a resource type field, and a user access level field to the network resource device. [Column 3, Line 39 through Column 4, Line 40 and Column 5, Lines 54-65].

As per claim 16: wherein the network resource driver is configured prior to receiving the application data from the application software. [See Fig. 1, and

Fig. 5, Levac disclosed network resource driver configured any then receiving the source data].

6. As per claim 18: wherein the resource driver is selected from the group comprising generic resource driver and a network resource device specific driver. [Fig. 4, a device driver is selected from available "IN-BOX" device drivers at step 64 and further a device driver editor 48 adding a device driver profile adding a device dependent information ("device specific driver") and see also Column 6, Lines 38-43 and Figs. 2 & 5].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levac et al., (U.S. Patent Number 5,872,926) as applied in claims 1 and 6 above, and further in view of Binding et al. (U.S. Patent Number 6,775,772) hereinafter referred to as Binding.

With respect to the rejection applied in claims 1 and 6 above, Levac substantially disclosed the invention as claimed. However, Levac was silent about encrypting the translated data and/or encrypting a password and the translated data before transmission to the target resource device.

However, encrypting data before transmission to target destination was commonly known in the computer networking and specifically in the art of computer security. For instance, as evidenced by the teachings of Binding encrypting data that may embed a password before transmission to the target resource device was known at the time the invention was made. See Column 8, Line 62 – Column 9, Line 7, Binding disclosed encrypting parameters of data that are considered security sensitive are encrypted prior to transmission.

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Binding related to encryption and have modified the teachings of Levac in order provide a data security.

9. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levac et al., (U.S. Patent Number 5,872,926) in view of Perlman et al., (U.S. Patent Number 6,269,481) hereinafter referred to as Perlman.

With respect to the claim rejection applied to claim 1 above, the teachings of Levac substantially disclosed the invention as claimed. However, Levac failed to teach a server prompting the user of the network terminal to download the resource driver from a driver database on the resource driver identifier, the server determining if the proper driver has been configured with the appropriate resource driver as recited in claims.

However, as evidenced by the teachings of Perlman disclosed a server in communication with a remote client network terminal allowing a user of the network terminal to download the resource driver for a peripheral device remotely located in the network by determining if the proper driver has been configured with the appropriate peripheral device. See Title, Abstract, Column 1 Line 55 – Column 2, Line 14 and see claimed language in Column 7, Line 19 through Column 10, Line 65. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Perlman related to prompting a client at the network terminal to download a resource driver of a selected resource device and have modified the teachings of Levac in order to “avoid storing device drivers on individual peripheral devices”. See Column 1, Lines 61-63.

10. Claims 14, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levac et al., (U.S. Patent Number 5,872,926) in view of

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Edlund et al., (U.S. Patent Number 6,085,227) hereinafter referred to as Edlund.

Levac disclosed a server linking the network resource device to the network (see Fig. 4). However, Levac was silent about a proxy server having therein a proxy queue coupled between the data transmitter and the network resource device for receiving and transmitting data between the network terminal and a target resource device.

However, as evidenced by the teachings of Edlund, it was known that a proxy server (Fig. 1 Reference # 104 and Col. 2, Lines 61-64) having therein a proxy command processor (Fig. 1 Reference # 112 and Col. 2, Lines 61-62) and a queue (Fig. 1 Reference # 126 and Col. 5, Lines 26-33) and "device server computer" transmitting/polling the queued data at the proxy server to the selected target device. See Fig. 1, 2nd Reference # 104 and Col. 5, Lines 26-33)

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Edlund related to a proxy server having therein a queue for queuing received data/request to periodically transmit the queued data and have modified the teachings of Levac in order to prevent a network resource from getting overloaded with overkill data/message rates. See Col. 5, Lines 18-22.

Response to Arguments

11. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Maruyama et al. (US 6202086 B1) entitled: "Message store and forward system"
- b. Eslambolchi (US 6445779 B1) entitled: "Method and apparatus for providing outbound voice-to-fax service"
- c. Bloomfield (US 6693729 B1) entitled: "Facsimile to E-mail communication system with local interface"
- d. O'Neal (US 6711154 B1) entitled: "Apparatus and method for device independent messaging notification"
- e. Freeman (US 6020980 A) entitled: "Facsimile delivery to electronic mail"

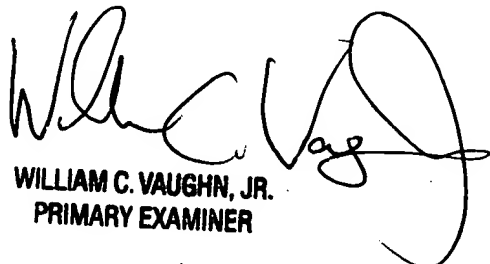
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached at (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER